
**LOXAHATCHEE GROVES WATER CONTROL DISTRICT /
TOWN OF LOXAHATCHEE GROVES
INTERGOVERNMENTAL COORDINATION (IGC) COMMITTEE MEETING
FRIDAY, DECEMBER 18, 2009 / 3:00 P.M.**

Call to Order at 3:00 P.M.

Present: Frank R. Spence – Town Manager, Town of Loxahatchee Groves
David Browning – Mayor, Town of Loxahatchee Groves
Clete J. Saunier, P.E. – Administrator, LGWCD
John Ryan – Deputy Secretary-Treasurer, LGWCD
Lynnette R. Ballard – Administrative Secretary, LGWCD

Pledge of Allegiance / Invocation led by Mr. Saunier.

SUBJECT: AGENDA APPROVAL. There were no additions, deletions, or substitutions to the Agenda.
MOTION: John Ryan made a motion to approve the Agenda. Mayor David Browning seconded the motion.
ACTION: **MOTION PASSED 4 TO 0.**

SUBJECT: APPROVAL OF MINUTES FROM NOVEMBER 13, 2009 IGC COMMITTEE MEETING. Mr. Saunier asked for approval of the minutes from the November 13, 2009 Intergovernmental Coordination Committee meeting.
MOTION: John Ryan made a motion to approve the minutes from the November 13, 2009 Intergovernmental Coordination Committee meeting. Mayor David Browning seconded the motion.
ACTION: **MOTION PASSED 4 TO 0.**

SUBJECT: 40TH STREET NORTH / NORTH ROAD CANAL. Clete Saunier reported that the District's Board of Supervisors, at its December 14, 2009 regular meeting, received a presentation by Ms. Barbara Richardson, Esquire, of the law firm of Shutts & Bowen in West Palm Beach. Ms. Richardson represents Attorneys' Title Insurance Company with respect to the 40th Street North/North Road Canal issue. Ms. Richardson indicated her client was willing to construct a bridge on 148th Terrace North to benefit the affected landowners.

Mr. Saunier stated through conversations and discussions with the Board, it was agreed that the District would accept the bridge as a District-owned and maintained bridge culvert, and place it under the maintenance obligation of the District as a whole. This would require a mini-amendment to the District's water control plan. Mr. Saunier stated the District's Attorney is

going to move forward with the mini-amendment process at the next regular Board meeting (January 11, 2010). He stated he is also working with Attorneys' Title Insurance Company, Ms. Richardson, and the engineer they are contracting with to have the plans drawn and get the bridge built. Mr. Saunier stated this is a unique situation, and does not apply to many other bridge crossings. The District will not have to expend the funds for construction of the bridge, and neither will the Town. The cost of construction is approximately \$100,000.00.

Mr. Saunier stated the 148th Terrace North corridor only provides approximately a 25% resolution to the overall corridor problem.

Mr. Saunier reminded the IGC Committee that the road will be blocked as of April 30, 2010, per the District's Board of Supervisors. He stated he hopes that, between now and then, the District and Town can work together to determine a reasonable solution for everyone's benefit.

Mr. Saunier encouraged the Town to hold workshops and obtain as much public participation as possible to determine what is the Town's policy regarding the 37 or so miles of roads that are connected to District roads. He stated there is more non-District road mileage than there is District road mileage.

Mr. Ryan stated 40th Street North is becoming a comprehensive pilot test case for action to be taken on other non-District roads.

Mr. Ryan stated Mr. Saunier created a list of the mileage and identification of all non-District roads, which he forwarded to the former Town Clerk, Matthew Lippman. Mr. Ryan stated this information would be helpful to Mr. Spence because it identifies all the roads that were claimed as gas tax revenue roads. Mr. Spence agreed.

Mayor Browning stated the 50/50 idea might be the best solution, but he would still like to pursue the title insurance companies. He stated the landowners should be provided with a letter that states how this issue has been resolved, and that a precedent has been set. That letter would also encourage those landowners to advise their title insurance companies.

Mr. Ryan stated this issue will be a continuous agenda item. Mr. Saunier replied that 40th Street North specifically will not be a continuous agenda item, but the non-District road issue is something he hopes the Town would consider. He stated 43rd Road North is very similar to this issue.

MOTION: No motion was necessary.
ACTION: **NO ACTION WAS TAKEN.**

SUBJECT: 43RD ROAD NORTH - DISCUSSION. Mr. Saunier stated the issues involving 43rd Road North are very similar to those of 40th Street North. Mr. Saunier stated 43rd Road North is an issue that the Town should consider carefully. Mr. Saunier stated 43rd Road North is an access road from 140th Avenue North to 145th Avenue North.

Mr. Ryan stated he met with Jim Berke, a landowner on 43rd Road North, who gave him a brief history of 43rd Road North.

Mr. Saunier stated this issue would require policy development by the Town. There are 37 miles of non-District roads, and the Town really should consider a phased type of response when landowners have a legitimate concern about having safe access roads.

Mayor Browning stated the Town basically inherited 37 miles of non-District roads when it became incorporated. He stated 43rd Road North could stay as it is. It would still be a Town road, but if it becomes rough or a landowner is not able to access their property, the Town would contract with the District to maintain the road.

Mr. Saunier stated, for purposes of the Town's gas tax collection, the Town needs to show that it is actually collecting gas tax revenues for public roads. Mayor Browning replied, if 43rd Road North is being used as a public road, then it is a Town road as far as he is concerned, and therefore, the Town has the right to make sure its residents have safe access on the roads.

Mr. Ryan stated the District's enabling legislation (2004-410) stated that if 51% of the landowners that access on non-District roads want to dedicate their roads to the District, they could require the other landowners to go along. Mr. Saunier clarified the road in question should connect a District road; 43rd Road North does not connect to a District-owned roadway.

Mayor Browning stated the District's enabling legislation allowed 43rd Road North to become a District road, which is a different situation. When the Town became incorporated, it took over those non-District roads. So now there is another process. Back then, there were several disputes over who was responsible for the road. He stated it is either a District road or a Town road.

Mayor Browning stated in the event of an emergency (under the assumption that the road is a Town road), and the Town is responsible for the road, the Town would have the legal authority to ask the Water Control District to repair the road; without being concerned about who owns the road or who has the right-of-way, because the road has been there for several years, and is being used by the public. Mr. Saunier suggested Mayor Browning obtain the Town Attorney's opinion regarding this issue. Mayor Browning agreed.

Town Manager Frank Spence stated there is a fine line between the Town's restriction of not spending public funds on private property. Mayor Browning stated that is why the Town needs to look very closely at the gas tax revenues. He stated if the Town is receiving gas tax monies for a road, there is an assumption that it is a Town road; therefore, the Town cannot state it will not take any action to repair or maintain the road. If there is a problem, the Town needs to deal with it. Mr. Spence agreed.

Mr. Ryan stated there has been a continuing problem with the street name signs for 43rd Road North disappearing.

Jim Rockett, 14155 43rd Road North, commented about this agenda item.

Town Council Member Ryan Liang, 4245 148th Terrace North commented about this agenda item.

Mr. Ryan stated this issue needs to be an agenda item for the Town Council's discussion. **The IGC Committee agreed.**

MOTION: No motion was necessary.

ACTION: **NO ACTION WAS TAKEN.**

SUBJECT: STATUS REPORT ON MEETING WITH PALM BEACH COUNTY WATER UTILITIES DEPARTMENT DIRECTOR, BEVIN BEAUDET. Town Manager Frank Spence stated Councilman Bill Louda, Mr. Saunier, and he met with Bevin Beaudet, Director of Palm Beach County Water Utilities Department. Mr. Beaudet indicated how the Town could best utilize the 36-inch gray water line that is currently being installed along Okeechobee Boulevard. This project is being paid completely by Florida Power & Light to serve their plant.

Mr. Spence stated at the meeting, the County stated it supports the Town's efforts to tie-in; and their contractor agreed to five tap-ins for future lines for the Town to connect to. Mr. Spence stated he saw the sketch where the proposed fire suppression lines would go, which would be north and south of Okeechobee Boulevard. Councilman Louda wrote a brief report with regard to this meeting, and he will present the complete report at the January 19, 2010 Town Council meeting. At this time, Councilman Louda will also report back on the efforts of the Water Utilities Department; specifically, Tom Miller, who is their manager of legislative affairs. Mr. Miller has agreed to research available grants and funds that would be available for the Town to expand its fire suppression lines.

Mr. Ryan asked Mr. Spence whether it is his understanding that there might be a grant that would extend the fire hydrant lines for reused water not only down the lettered roads, but also into the interior roads. Mr. Spence replied

that he has seen a map with a grid picture up to North Road, and going across all the lettered roads. Mr. Ryan asked for confirmation that the lines would not go into the interior roads, and Mr. Spence replied in the affirmative.

Mr. Ryan asked Mr. Spence if there was a time frame for the County to respond to him regarding these issues. Mr. Spence stated the County indicated they would respond to him before January 15, 2010, in order to allow him to report the information to the Town Council at its January 19, 2010 meeting.

There were no additional comments by the IGC Committee on this item.

MOTION: No motion was necessary.

ACTION: **NO ACTION WAS TAKEN.**

SUBJECT: NEXT MEETING DATE AND TIME. The Committee agreed that the next IGC Committee meeting will be held on Friday, January 22, 2010 at 3:00 p.m. at the District office.

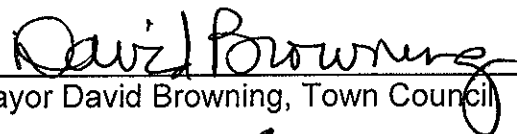
MOTION: No motion was necessary.

ACTION: **NO ACTION WAS TAKEN.**

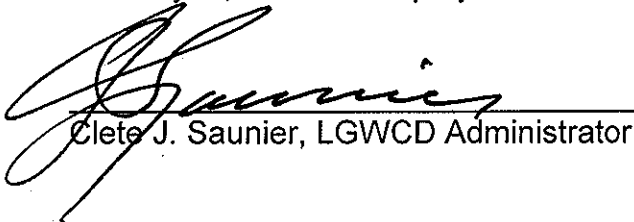
The meeting was adjourned by the Committee at 4:15 p.m.



John Ryan, LGWCD Deputy Sec-Treasurer



Mayor David Browning, Town Council



Cleto J. Saunier, LGWCD Administrator



Frank R. Spence, Town Manager